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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ANTHONY GRECO,

Plaintiffs,

vs.

**APEX FINANCIAL
MANAGEMENT,**

Defendant.

CASE NO.: 8:11-cv-00771-CJC-RNB

**JOINT CASE MANAGEMENT
STATEMENT**

Fed. R. Civ. P. 26(f)

(Assigned to Hon. Cormac J. Carney)

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, counsel

1 for Plaintiff and counsel for Defendant conferred to discuss the matters set forth
2 in Rule 16, Rule 26(f), and the Court's Order dated September 1, 2011, setting the
3 Scheduling Conference. The parties hereby submit their Joint Case Management
4 Statement:
5

6
7 **1. Jurisdiction and Service:**

8 Plaintiff asserts that this Court's jurisdiction is based on 15 U.S.C.
9 §1692k(d) and 28 U.S.C. §1331.
10

11 The parties are not aware of any issues regarding personal
12 jurisdiction or venue.
13

14 At this time, Plaintiff is not aware of any additional parties to be
15 served, but asks that the time for service remain open until the completion of
16 discovery. Defendant requests that the Court set a deadline specifying that any
17 new parties must be added within 30 days of the Scheduling Conference, unless a
18 motion for leave to add an additional party is granted upon a showing of good
19 cause.
20
21

22 **2. Facts:**

23 **Plaintiff:**

24 Plaintiff alleges that Defendant violated the FDCPA and the
25 RFDCPA while attempting to collect an alleged debt. Plaintiff alleges that
26 Defendant called him excessively while attempting to collect the debt. Plaintiff
27
28

1 further alleges that Defendant used alarming language and threatened Plaintiff
2 with legal action.
3

4 **Defendant:**

5 Defendant has filed an Answer denying all material allegations of the
6 Complaint, and asserting various affirmative defenses.
7

8 **3. Legal Issues**

9 **Plaintiff:**

10 Plaintiff alleges that Defendant violated the FDCPA and the
11 RFDCPA while attempting to collect a debt. Defendant's violations include
12 violations of 15 U.S.C. §1692c(a)(1) and §1692d(5), as to the FDCPA and Cal
13 Civ Code §1788.11(d) and §1788.11(e), as to the RFDPCA.
14
15

16 **Defendant:**

17 Legal issues include: whether Defendant's actions violated the
18 FDCPA and RFDCPA, and whether Plaintiff's claims are barred or diminished by
19 Defendant's affirmative defenses.
20

21 **4. Motions**

22 **Plaintiff:**

23 Plaintiff anticipates filing a motion for summary judgment.
24
25
26
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1 **Defendant:**

2 Defendant anticipates filing a motion for summary judgment.

3

4 **5. Amendment of Pleadings**

5 Plaintiff intends to amend the Complaint to add additional violations,
6 but requests the right to do so until after the complete review of Defendant's
7 collection file regarding Plaintiff. Defendant requests that the Court set a
8 deadline specifying that any motion for leave to amend be filed within 30 days of
9 the Scheduling Conference.
10

11

12 **6. Disclosures**

13 The parties will exchange the information required by Federal Rules
14 of Civil Procedure 26(a)(1) on or before November 17, 2011.
15

16 **7. Discovery**

17 The parties do not require any limitations on discovery. The parties
18 will meet and confer regarding the terms of a Stipulated Protective Order if
19 necessary. The parties jointly propose to the Court the following discovery plan:
20

21 **a) All fact discovery will be commenced in time to be completed by**
22 **May 21, 2012.**
23

24 The number of interrogatories, requests for admissions, and requests
25 for production of documents, as well as the number and length of depositions
26 shall be as set forth in the Federal Rules of Civil Procedure.
27
28

1 **b) Disclosure of experts under Federal Rule of Civil Procedure**
2 **26 (e)(2) due:**

3 All parties will provide the disclosures required on or before May 28,
4 2012. Counter-designations of experts will be made on or before June 25, 2012.
5 Expert discovery will be completed by July 16, 2012.

7 **8. Related Cases**

8 None.

10 **9. Relief**

11 Plaintiff seeks relief as follows: \$2,000.00 for statutory violations,
12 any actual damages proved through discovery, plus attorney's fees and costs.

14 **10. Scheduling**

15 The parties propose that the cut-off date for fact discovery be May
16 21, 2012; the cut-off for expert discovery be July 16, 2012; the last day for the
17 Court to hear dispositive motions be February 6, 2012, a pretrial conference be
18 held on August 13, 2012; and trial on August 27, 2012.

21 **11. Trial**

22 The parties request a trial by jury. The parties estimate that this case
23 will take approximately 2 days for trial. It is anticipated that the case will be
24 ready for trial by August 27, 2012.

27 **12. Settlement and ADR**

28 The parties agree to assignment to an attorney settlement officer

1 under ADR auspices.

2 Respectfully submitted this 4th of November, 2011.

3 By: s/Todd M. Friedman
4 Todd M. Friedman
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6 Attorney for Plaintiffs

7 By: s/Arvin C. Lugay
8 Arvin C. Lugay
9 Simmonds & Narita LLP
10 Attorney for Defendant

1 Filed electronically on this 4th of November, 2011, with:

2 United States District Court CM/ECF system
3

4 Notification sent electronically on this 4th of November, 2011, to:

5 Honorable Cormac J. Carney
6 United States District Court
7 Central District of California

8 Arvin C. Lugay
9 Simmonds & Narita LLP
10 Attorney for Defendant

11 The 4th of November, 2011

12 s/ Todd M. Friedman
13 Todd M. Friedman
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